srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1985 OF 1997.

M/s. Kedy and Company. ..Petitioners.

Versus.

State of Maharashtra & Ors. ..Respondents.

Mr. V. P. Malavankar A.G.P. for the State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: JULY 6, 2007.

P.C.

1. None present for the petitioner or respondent no.3. Heard Learned AGP for respondent nos. 1 and 2.

2. Learned AGP submited that the land in question wherein the licence to quarry was granted to respondent no.6 is a forest and is declared as a private forest land. The impugned order passed by the Revenue Minister also states that the land was transferred to the State as "forest" and "private forest". The order further notes that the Maharashtra Revenue Tribunal declared it as non forest land or private forest land. Learned AGP states that the order of the Maharashtra Revenue Tribunal has been set aside by this Court.

3. We have also perused the interim order dated 6th May 1997 passed by the Division Bench of this Court while admitting the petition. In the said order the

Division Bench has also noted that the land in question is a forest land and non-forest activity cannot be permitted in the said land. We are in agreement with the said finding and the reasons recorded by the Division Bench in that regard in the interim order. And, for the very same reasons we allow the petitiion and quash and set aside the impugned order dated 10th February 1997, copy of which is at Exhibit -"N" to the petition. Rule is made absolute to the extent indicated above.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**